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OFFICE OF PETITIONS

In re Application of
Hanna Abi-Saleh
Application No. 09/699,324
Filed: October 27, 2000
Attorney Docket No. 60976-0038-US

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed August 23, 2004, requesting that the above-identified application be accorded a filing date of October 27, 2000, instead of the presently accorded date of October 30, 2004.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 27, 2003. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EL451595335US. The same Express Mail receipt number was referred to in the original transmittal letter found in the application file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 27, 2000.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **October 27, 2000** and for issuance of a corrected filing receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
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for Patent Examination Policy